

I. BACKGROUND/TIME LINE

On January 16, 2002, a former graduate assistant and academic mentor¹ in the Academic Center for Student Athletes (ACSA)² advised Dr. Roger Grooters, Executive Director of ACSA, of possible violations of NCAA Bylaws and LSU academic policies. The following day, Dr. Grooters advised "Bo" Bahnsen, Associate Athletic Director for Compliance, and Greg Vincent, Vice Provost, of the allegations. Bahnsen and Vincent instructed Dr. Grooters to thoroughly interview the individual who reported the concerns, as well as two other individuals who had been identified by the former graduate assistant as having information concerning possible violations of NCAA Bylaws and University policies (one was employed by the ACSA, and one was no longer attending the University).

On January 22, 2002, Dr. Grooters sent a memo to Bahnsen and Vincent outlining the issues raised by the 3 individuals. A copy of Dr. Grooters' memo is attached as Exhibit 1³.

On January 30, 2002, upon Bahnsen's return from a scheduled trip, he and Dr. Grooters met to review the memo. A decision was made to schedule a meeting with Vice Provost Vincent

¹ The ACSA uses various terms to identify non-staff that work with the student-athletes: "Academic Mentors" (formerly known as "Academic Coaches") use the student-athletes' syllabi to plan the student-athlete's academic calendar for the semester, help plan a weekly study guide, monitor the progress of the student-athlete all semester to make sure he/she is making progress, completing assignments and studying for exams. The Academic Mentor also works with the Tutorial Coordinator to obtain a tutor when needed, and meets with the student-athlete at least once a week to make sure he/she is following his/her weekly planner. "Learning Assistants" perform "Academic Mentor" duties but work only with learning disabled student-athletes and tutors who do most of the actual tutorial work. Non-staff are generally graduate assistants, high school teachers, professionals, and a few undergraduate students. Undergraduates must be at least a Junior with a 3.5 GPA in the curriculum they tutor.

² The University, in compliance with NCAA Bylaw 16.3, operates the ACSA to provide the mandated general academic counseling and tutoring services. The ACSA is funded by the Athletic Department, but operational control is vested in the Provost's office.

³ In spite of the word "Draft" on the memo, the document was actually forwarded to Vincent and Bahnsen and provided to the press.

for the following day. The meeting between Bahnsen, Grooters and Vincent resulted in decisions to 1) notify Chancellor Mark Emmert of potential NCAA rules violations; 2) interview, once again, the 3 academic mentors; 3) interview _____, who had been identified as an individual who may have violated NCAA Bylaws; and 4) to bring into the investigation the LSU Human Resource Department to address any personnel issues that may arise.

The 3 academic mentors were interviewed by Bahnsen and Dan Radakovich, Senior Associate Athletic Director. The interviews were tape recorded and transcripts are attached as Exhibits 2, 3, and 4. On February 6 and 7, 2002, Athletic Department officials, senior University administrative officials, and University attorneys, met with the Chancellor to discuss the allegations of NCAA rules violations, personnel issues and how best to proceed. The University also informed Roy Kramer, Commissioner, Southeastern Conference, of the allegations and that LSU was conducting an internal review of alleged NCAA rules violations involving the ACSA.

On February 13, 2002, Bahnsen and Marian Caillier, LSU's Office of Human Resources, interviewed _____. A transcript of the recorded interview is attached as Exhibit 5. Following the interview, University officials removed _____ and assigned _____ to other duties, none of which would relate to or involve the ACSA, the oversight of student-athletes or athletics.

Following the initial interviews, the Chancellor, upon being advised of the developing NCAA rules issues, called another meeting to discuss the potential violations and to determine a plan for a more formal and complete investigation of not only the alleged violations, but also of any other violations which might be uncovered during the investigation. The Chancellor

instructed everyone with responsibility for the investigation to conduct a thorough, comprehensive and probing inquiry into all aspects of the ACSA.

At the Chancellor's direction, and in accordance with NCAA Bylaw 2.8.1, a full scale investigation into possible violations of NCAA Bylaws and University academic policies was launched. Mike Pharis, University attorney, and Bo Bahnsen, Compliance Coordinator, were assigned the duty of investigating the NCAA rules issues. The Human Resources Department, with the help of University attorney Vicki Crochet, was to review all Human Resource issues. University counsel, with the concurrence of the Chancellor hired Mike Glazier, an attorney with extensive national experience in NCAA related infractions matters, as a consultant to assist the University with the investigation. On March 21, 2002, LSU informed the NCAA Enforcement Staff of the investigation. On May 6, 2002, the University met with NCAA representatives to discuss the status of LSU's investigation. Prior to and since the sixth of May, the University, in accordance with NCAA legislation, has investigated any and all reports of possible violations of NCAA Bylaws involving the ACSA.

II. SCOPE OF THE INVESTIGATION

1. The investigation by LSU has spanned several months and resulted in the University interviewing more than ninety (90) faculty, staff and students of the University.⁴ Everyone who was interviewed has been asked to provide the names of others who may have relevant information relating to the operations of the ACSA and possible NCAA and LSU rules/policy violations.
2. On April 12, 2002, the Chancellor sent an E-mail, attached hereto as Exhibit 7, to more than 4,561 faculty members and staff employees of LSU. In the E-mail, the Chancellor requested that all faculty and staff with substantiated information which could assist with the investigation contact Dr. Laura Lindsay, a distinguished member of the faculty.⁵
3. On March 25, 2002, _____, sent an E-mail to all tutors asking them to provide any information which could be useful to the investigation. A copy of the E-mail from _____ is attached as Exhibit No. 8.
4. As a result of an article in the student newspaper, The Reveille, concerning allegations of overpayment of tutors, University auditors audited the ACSA. The Reveille article and audit are attached as Exhibit Nos. 9 and 10, respectively.

⁴ The names and titles of everyone who was interviewed is attached as Exhibit No. 6.

⁵ Professor Lindsay has recently been named interim Vice Chancellor of Academic Affairs and Provost of the University while a nationwide search is conducted to replace Dan Fogel who recently accepted a Chancellor position at another institution.

5. The University wrote letters to the news media, who generally cover LSU, asking for their assistance in identifying individuals who may have relevant information. A copy of the letters are attached as Exhibit No. 11.
6. The University also took the precautionary step of impounding computer and performing a forensic search of the hard drive.⁶
7. Interviews⁷ were conducted with the Dean of Students Kevin Price, Registrar Robert Doolos, Assistant Dean of Students Jim Welles, Vice Provost for Academic Affairs Greg Vincent, and Vice Provost for Academic Affairs Pauline Rankin for the purpose of gathering information regarding University policy practices and procedures.

An immediate and complete investigation was conducted into, not only the allegations raised by the Academic Mentors as set forth in Exhibit 1, but into all matters related to the ACSA, violations of LSU Academic Policies by student-athletes and/or the ACSA, and the possibility of preferential treatment of student-athletes. Consistent with the charge of the Chancellor, the investigation centered not only on the ACSA allegations, but responses to the Chancellor's e-mail and all other matters which surfaced during the course of the investigation. As the report, which follows, will illustrate an enormous effort has been expended to learn the truth.

⁶ The forensic search revealed academic work associated with 6 different student-athletes, all of the academic work is attached hereto as Exhibit No. 12. There was no evidence of wrong doing found on the computer.

⁷ Copies of letters, memos and interviews are attached as Exhibit Nos. 13, 14, and 15, respectively.

III. STANDARD OF PROOF

Once the investigation was complete, the University set about to draw conclusions concerning the possible NCAA rules violations that had been identified and about which evidence had been gathered. The University used the NCAA's Standard of Proof as set forth in Bylaw 32.7.6.2, and based its conclusions and findings upon information the University determined to be credible, persuasive and of a kind which reasonably prudent persons rely on in the course of serious affairs.

IV. SUMMARY OF FINDINGS OF NCAA RULES VIOLATIONS

A. The University has concluded that Academic [redacted] typed a paper for [redacted]. NCAA Bylaw 16.3.3 and 16.02.3.

B. The University has concluded that [redacted], and [redacted], Athletic Department employee, violated NCAA legislation with respect to prospective student-athlete [redacted] by arranging for the prospective student-athlete to receive free tutorial assistance and a place to study. NCAA Bylaw 13.2.1

C. The University has concluded that in the Fall 2001, former student-athlete [redacted] received improper tutorial assistance when a tutor assisted [redacted] in writing and subsequently typing a paper for the student-athlete. NCAA Bylaw 16.3.3 and 16.02.3

D. The University has concluded that 2 Academic Mentors typed part of the lab reports for student-athlete [redacted] and former student-athlete [redacted] in Spring 2001. NCAA Bylaw 16.3.3 and 16.02.3

E. The University has concluded that [redacted] on occasion, has typed papers and helped student-athletes with computer work when they were injured and unable to type.

[redacted] specifically remembered typing a paper for former student-athlete [redacted] when [redacted] was injured. NCAA Bylaw 16.3.3 and 16.02.3

The violations which occurred were limited to a time period of approximately 12 months (December 2000 to December 2001) and primarily involved 1 staff member. With one exception, no member of the Athletic Department was involved in the violations. The allegations were caught and corrective measures were taken before they became systemic.

The University takes seriously any violations of NCAA rules. In fact, the changes the University implemented detailed in Section VIII of this report or was in the process of implementing to improve the ACSA prior to learning of any problems, actually caused the issues raised by the Academic Mentors to surface. The University believes that because of the extent and nature of its corrective actions, these problems will not occur again.

V. SPECIFIC FINDINGS OF NCAA RULES VIOLATIONS

A. _____ Fall 2001

The University has concluded that in the Fall 2001, I _____; an Academic Mentor, typed a paper for student-athlete _____ in violation of NCAA Bylaws 16.3.3 and 16.02.3.

SUMMARY OF EVIDENCE

The Academic Mentor reports that the incident occurred late on a Friday evening the week before finals. The paper was due Monday, all of the computers were down, and _____ was directed by _____ to type the paper. The student-athlete reported that _____ could not recall the incident.

_____ reported _____ does not recall the incident, and further stated that if it did occur, the tutor misunderstood _____ instructions. _____ added that _____ has never instructed anyone to type a paper for a student-athlete and only would have advised the Academic Mentor to make sure _____ got _____ paper typed, not that _____ type the paper.

Exhibits for A.:

_____, student-athlete, Memo	Exhibit No. 16
Academic Mentor, Interviews	Exhibit No. 3
former ACSA Staff, Interview	Exhibit No. 5
former ACSA Staff, Memo	Exhibit No. 17

B. PROSPECTIVE STUDENT-ATHLETE

The University has concluded that [redacted] violated NCAA Bylaws 13.2.1 and 13.2.2(g) with respect to prospective student-athlete [redacted] by arranging for the prospective student-athlete to receive approximately 5 hours of free tutorial assistance and a place to study.

SUMMARY OF EVIDENCE

Attached hereto as Exhibit No. 18 are the University's findings and report with respect to prospective student-athlete [redacted]. The University declared the prospective student-athlete ineligible. On July 1, 2002, LSU filed a request for reinstatement of eligibility with Julie Roe, Director of Student Athlete Reinstatement even though NCAA Bylaw 13.2.1 did not require the prospective student-athlete to be declared ineligible. The student-athlete's eligibility has been restored by the NCAA and LSU.

Exhibits for B.:

All of the exhibits which relate to this finding of fact are contained in Exhibit No. 18.

C.

Fall 2001

The University has concluded that in the Fall 2001, former student-athlete received improper tutorial assistance when a tutor assisted [redacted] in writing and subsequently typing a paper for the student-athlete in violation of NCAA Bylaws 16.02.3 and 16.3.3.

SUMMARY OF EVIDENCE

1. WRITING A PAPER

Academic Mentors [redacted] reported that Academic Tutor [redacted] wrote part of a paper that student-athlete [redacted] turned in for credit. [redacted] stated that [redacted] had written part of the paper and then they noticed [redacted] with the book in front of [redacted] finishing the paper for [redacted], with [redacted] sitting at [redacted] side. [redacted] and the student-athlete deny that [redacted] wrote the paper. They both state that [redacted] helped the student-athlete prepare an outline and the student-athlete wrote the paper using the outline the student-athlete and [redacted] had developed together. [redacted] further reports that [redacted] proofread the paper and pointed out spelling and grammatical errors for the student-athlete to correct.

2. TYPING A PAPER

An Academic Mentor, [redacted] reported that [redacted] observed Academic Tutor [redacted] typing a paper for student-athlete [redacted] computer. The student-athlete and [redacted] deny that [redacted] typed the paper. [redacted] reported that all of the computers in the Computer Lab were occupied and that [redacted] obtained permission from Dr. Grooters for the student-athlete to use [redacted] computer.

Interviews revealed that it was not unusual for student-athletes, or anyone associated with the ACSA, to use [redacted] computer. The Computer Lab as well as the study areas are located in the basement of Broussard Hall; [redacted] office and computer is located upstairs in the former Broussard Hall cafeteria. The cafeteria is an open area with portable cubicles located around the room for offices. The portable walls for the cubicles are chest high and there is no expectation of privacy. Anyone in the ACSA can observe everyone else and all conversations can be overheard.

As previously noted, the University did a forensic search of [redacted] computer and discovered a paper referencing [redacted] identified the paper found on [redacted] computer as the one in question.⁸

Exhibits for C.:

[redacted], former academic Mentor, Interview and Memo	Exhibit No. 2
[redacted] former Academic Mentor, Interview	Exhibit No. 3
[redacted] former student-athlete, Paper	Exhibit No. 19
[redacted] former Tutor, Memo	Exhibit No. 20
[redacted] former student-athlete, Memo	Exhibit No. 21

⁸ The [redacted] paper is attached as Exhibit No. 19.

D. _____

Spring 2001

The University has concluded that student-athlete _____ and former student-athlete _____ received an extra benefit when _____ typed part of their papers in violation of NCAA Bylaws 16.02.3 and 16.3.3.

SUMMARY OF EVIDENCE

Former staff member _____ reported that in the Spring 2001, _____ instructed Academic Mentor _____ Academic Mentor _____ to type some lab reports for student-athletes _____ in the _____ of _____

Academic Mentor _____ states that _____ was the Academic Mentor for _____ and that _____ worked with _____ the night before _____ project was due in the _____ class. _____ recalled _____ had a paper due and had to finish a poster which was also due in the class. _____ contends that _____ performed the tutoring work in accordance with all rules and regulations. _____ denies that anyone in the ACSA ever asked _____ to write or type a paper for a student-athlete. _____ only recalls typing two papers for student-athletes and on both occasions _____ was paid. _____ does not recall typing part of _____ paper. _____ also stated that _____ was _____ Academic Mentor; _____ recalls _____ coming to the ACSA the next morning, the day the report was due. _____ denies that _____ instructed _____ to assist _____ or _____ with their lab reports. _____ did report, however, that _____ and _____ had done all of the work on the reports and only needed the reports typed. _____ recalls _____ typing part of _____ report and that

typed part of report. stated that bought lunch to pay for typing part of paper.

denies that typed or wrote any of paper. reports, however, that came to the ACSA one hour before class, that had not completed poster, and that part of paper needed to be typed. further reports that finished typing paper and helped finish poster, which was cutting and pasting.

Exhibits for D.:

, former Academic Mentor	Exhibit No. 2
, ; Memo	Exhibit No. 22
, Academic Mentor	Exhibit No. 23
, student-athlete, Interview	Exhibit No. 24
, former student-athlete, Interview and Memo	Exhibit No. 25

E. _____

The University has concluded that there was a violation of NCAA rules and regulations related to the typing of papers for an injured student-athlete, and that the student-athlete received an extra benefit in violation of NCAA Bylaw 16.02.3 and 16.3.3.

SUMMARY OF EVIDENCE

Staff member _____ and Academic Mentor _____ reported that _____ typed papers for former student-athletes _____ and _____ when they were injured and unable to type. _____ admitted that on occasion when a student-athlete was unable to use a computer due to an injury, _____ had assisted them with their computer work. _____ considered them to be temporarily disabled and was of the opinion _____ could assist with their typing. However, _____ reported that the only incident _____ could specifically recall, when _____ typed a paper for an injured student-athlete, was _____ stated that _____ never typed a paper for _____ and that _____ had a laptop computer which _____ used. _____ likewise denied that _____ ped a paper for _____

Exhibits for E.:

_____ , ACSA Staff, Interview	Exhibit No. 26
_____ former Academic Mentor, Interview	Exhibit No. 27
_____ former student-athlete, Interview	Exhibit No. 28
_____ , Interview	Exhibit No. 5
_____ Memo	Exhibit No. 17

VI. REPORTS OF OTHER POSSIBLE NCAA RULES VIOLATIONS INVESTIGATED BY THE UNIVERSITY

ENROLLMENT FORM

Fall 2001

Academic Mentor reported that in the Fall, 2001, was directed by to write a proposal for student-athlete.

, and was given a form to follow. The proposal was a short, one or two line statement of the topic the student-athlete intended to use as a basis for the 25 page paper the student had to write for the class. The student-athlete was unaware of the enrollment assistance, and further stated that did not know the tutor. reported that , at the time, told that had not properly enrolled in his , according to , also told that he and had previously agreed on a topic and asked to have someone write down the topic and give it to him so that could enroll in the class. asked the tutor to fill out the enrollment form for

im reported that is an independent study class and the enrollment form, attached as Exhibit No. 29, is provided to the Marketing Department. The form is not required for enrollment, but the College prefers to have the form filled out.

stated that all wanted was the form filled out and that it did not have to be the student who filled out the form. There is no signature requirement. The topic (i.e., the one or two line proposal) can be changed, and often is changed during the course of the class. The staff at the ACSA, as part of their duties, either personally enroll student-athletes in classes, or have someone such as an Academic Mentor assist them with enrollment.

The University has concluded that there was no violation of NCAA or University policies and procedures in that the Academic Center routinely enrolls student-athletes in classes.

Exhibits:

former Academic Mentor, Interview	Exhibit No. 27
ACSA Staff, Interview	Exhibit No. 5
; Memo	Exhibit No. 17
; Interviews	Exhibit No. 30
former student-athlete, Interview	Exhibit No. 28
Class Enrollment Form	Exhibit No. 29

Spring 2001

Two Academic Mentors, _____, allege that they believed _____ read a book for student-athlete _____ and helped _____ with a paper. However, neither of the Academic Mentors saw _____ read the book nor did they see _____ help _____ with a paper in the class. The Academic Mentors assumed _____ read the book because they claim they overheard _____ joking with _____ about the book and because _____ had a copy of the book on _____ desk. The book was on Huey Long and it was for a Louisiana History course.

The student-athlete and _____ denied that _____ read the book for _____ and further denied that _____ helped him write a report. Both the student-athlete and _____ stated that _____ had previously read the book when _____ took the Louisiana History course, and that _____ did discuss the book with _____ but that _____ did not help _____ with a paper.

The University has concluded that the evidence does not support a finding that _____ read the book or wrote a paper for _____.

Exhibits:

_____ former Academic Mentor, Interview	Exhibit No. 2
_____ former Academic Mentor, Interview	Exhibit No. 4
_____ student-athlete, Interview and Memo	Exhibit No. 31
_____, _____; Interview	Exhibit No. 5
_____, _____; Memo	Exhibit No. 17

TEST GIVEN IN THE ACSA

(A) _____

Fall 2001

Academic Mentors _____ ed that they observed 2 student-athletes taking tests at the ACSA that were not proctored. The 2 student-athletes were enrolled in Professor _____ course. _____ gives department-wide examinations, and the test times were in conflict with practice time or times when the student-athletes were out of town for games. Professor _____ therefore made arrangements with _____ to have the test administered by the ACSA staff at the ACSA facility. It was the Professor's idea to have the test administered at the ACSA. Both student-athletes picked up their exams from _____ at the ACSA and went to a private room where they were monitored by _____. Both student-athletes reported that they were not allowed to bring any material into the exam area except for a pen and a calculator. One of the student-athletes, _____ has a _____ GPA and is All SEC Honor Roll. The other student-athlete was _____ . There is no evidence to suggest that either of the student-athletes received any preferential treatment or received any benefit not available to the student body in general or that there was a violation of NCAA or University rules and regulations.

Tests are no longer given in the ACSA under any circumstances.

The University has concluded there was no violation of NCAA legislation, or University policies and procedures.

Exhibits:

_____, former Academic Mentor, Interview Exhibit No. 2
_____, former Academic Mentor, Interview Exhibit No. 3
_____, student-athlete, Interview and Memo Exhibit No. 32
_____, former student-athlete, Memo Exhibit No. 33
_____, _____, Interview Exhibit No. 5
_____, _____ Memo Exhibit No. 17

(B)

Spring 2001

It was reported that some student-athletes in courses were allowed to take tests at the ACSA. The only student-athletes who LSU has determined were allowed to take tests in _____ in the ACSA were student-athletes who had been certified by LSU's Office of Disability Services as learning disabled, and who consequently were given extended time to take their exams. [For a description of the certification process, see intra at pp. 48 - 50] All of the exams were monitored by _____ in the ACSA. The tests were given at the ACSA to accommodate the instructors of the courses as well as the student-athletes.

The practice of giving tests at the ACSA has been discontinued and all learning-disabled students who need extended time are required to take their exams at Disability Services if the instructor will not grant them extra time to take the exam during the scheduled exam time.

There was no evidence to suggest that the student-athletes received any preferential treatment or that there was a violation of NCAA or University rules and regulations.

Exhibits:

ACSA Staff, Exhibit No. 22
Academic Mentor, Interview and Memo Exhibit No. 23

Spring 2001

In response to the Chancellor's E-mail, Professor

reported that in Spring 2001 student-athlete submitted a paper that was superior to work previously performed by the student-athlete. informed the Dean of his college that he was considering referring the matter to the Dean of Students. The Professor met with who told that worked with a tutor. The former student-athlete stated that I had worked very hard on the paper for a couple of weeks and the tutor⁹ helped with punctuation and helped organize his thoughts. The student-athlete thought that the Professor assumed I had done the paper in a day or two. The Professor questioned the student-athlete about the content of the paper, and the course. The Professor, after interviewing the former student-athlete, determined that the student-athlete's contribution to the paper and knowledge of the subject matter was worth at least a passing grade. The Professor, with the concurrence of the Dean of his college, chose to give the student-athlete a "D" on the paper. The Professor reported that he treated the student-athlete the same as he would a non-athlete and never received any pressure from anyone with respect to and that he has never had any problems with the ACSA or anyone associated with the Center.

, remembers discussing the incident with Professor , and agreed with the course of action taken by the Professor. told to give the student the grade I deserved. felt the Professor addressed the issue and did not receive any preferential treatment. Non-athletes have been treated in the same manner.

⁹ The University has been unable to identify the tutor. The student-athlete could not remember the tutor's name.

The Assistant Dean of Students concluded that, as long as the conduct is addressed and the student is issued the grade he deserves, there is no violation of the Code of Student Conduct.

Based on the evidence and the conclusions of the Associate Dean of Students, the Professor and the University has concluded that the student-athlete did not receive preferential treatment and there was no violation of NCAA legislation, or University policies and procedures.

Exhibits:

, former, student-athlete, Interview	Exhibit No. 28
Assistant Professor, Memo	Exhibit No. 34
Response to Chancellor's E-Mail	Exhibit No. 35
.....	Exhibit No. 36
Jim Welles, Associate Dean of Students	Exhibit Nos. 37, 38, 39

ADVANCE COPIES OF EXAMS

(A) _____

Fall 2001

An Academic Mentor, _____, reported that in December 2001, _____ was asked by _____ to conduct a study session for the final in a _____ course taught by _____ re. The Academic Mentor approached _____ and asked _____ what material _____ needed to cover to prepare for the review session. _____ told _____ he had not developed the test and asked _____ to come back in a day or so. When the Academic Mentor returned, _____ reports that the Professor placed a test on a desk for _____ to review. _____ said _____ told _____ could not have the exam or make a copy but could review it and make notes. _____ said the Professor left the room while _____ reviewed the exam. The Academic Mentor assumed that the test left on the desk for _____ review was the actual exam to be used for the final.

When interviewed, Professor _____ explained that the Academic Mentor asked _____ for general information related to the final exam so that _____ could conduct a study session. _____ said the exam he allowed the Academic Mentor to review was actually an exam used by another professor who had taught the course in the past. The Professor said he told the Academic Mentor _____ could not copy the old exam and could only review it in the classroom. According to _____, the old test would provide the general information the Academic Mentor needed to cover in the study session. Professor _____ further reported that the previous professor had provided him with three of _____ previous years' examinations but that the material, as the former professor presented it in _____ exams, was not what he liked. _____ therefore devised his own examinations. The examination given to the class was not the same as the one the Academic Mentor was allowed to review.

The Professor said [redacted] did not do anything for the student-athletes that he would not do for other students and did not feel that there was any special or preferential treatment afforded the student-athletes.

The University has concluded there was no violation of NCAA or University rules and regulations or that the student-athletes received preferential treatment.

Exhibits:

Professor, Interview	Exhibit No. 40
[redacted], former Academic Mentor, Interview and Memo	Exhibit No. 27
ACSA Staff, Interview	Exhibit No. 41

(B) _____

Spring 2002

_____ alleged that student-athletes were present when _____ prepared the exams for _____ class.

_____, however, has no personal or independent knowledge in support of this allegation.

_____ denies that anyone had prior access to _____ examinations, and emphatically denies that any student-athletes were present when _____ prepared _____ examinations.

The University has concluded there was no violation of NCAA or University rules and regulations, or that student-athletes received preferential treatment.

Exhibits:

_____, Instructor, Memo Exhibit No. 42
_____, Instructor, Transcript Exhibit No. 43
_____, former student-athlete, Interview Exhibit No. 44

(C)

Apparently based on information provided by former student-athlete

a local television station reporter and reported that student-athletes were provided answers to a final exam in class in the fall term 2001.

later reported after reviewing the alleged answers, that contrary to the television reports the supposed answers to the exam alleged to have been circulated in advance were in actuality only outlines of answers to potential exam questions.

reported that it had been his practice for over ten (10) years to circulate to all students at least a week in advance of each exam, *potential* essay questions – one of which (or in the case of the final, three of which) will appear on the exam. later selects the actual essay questions used for the exam. The students write their essays on paper that I distributes during the exam. does not accept any essay written on paper I did not provide to the students on the day of the exam in the examination room. Different questions are used for each section of the class and, in addition to the essays, there are 50 multiple choice questions.

Attached as Exhibit 45 is a letter from David “Bo” Bahnsen concerning the exam.

Learning Assistant who works for I in the ACSA, and who was also a student in the I class, was asked by to conduct a study review for the final. A friend of who was also a student in the class, helped I prepare the outline and conduct the study session. Approximately eight (8) student-athletes attended the study session. The study session lasted about an hour and a half.

reported that he encourages all of his students to form study groups and to discuss possible answers with others. did not see a problem with the outline,

because the students still had to write the essay themselves in the examination room. A copy of
mail to Dr. Laura Lindsay in response to the Chancellor's E-mail is attached as
Exhibit 46.

The University has concluded that there was no violation of NCAA or University rules
and regulations, or that a student-athlete received preferential treatment.

Exhibits:

1. Outline Exhibit No. 47
2. Learning Assistant, Interview Exhibit No. 48
3. Professor, Memo in response to outline Exhibit No. 49

MISSED ASSIGNMENTS

This allegation involves the possible violation of an SEC rule, not an NCAA rule since there is no NCAA requirement that a student-athlete pass a requisite number of hours to be eligible to participate in a bowl game. However, there is an SEC rule which requires all bowl participants to pass six (6) credit hours.

SEC Bylaw 14.1.16, Post-Season Competition and Continuing Eligibility

“To be eligible to represent an SEC institution in post-season competition, a student-athlete must pass six credit hours of degree credit in the academic term that concluded immediately prior to the post-season competition, regardless of whether the competition occurs at the end of the term or during the subsequent term. The requisite credit hours must be earned during the academic year.
(6/2/00)”

(A) [REDACTED]

Fall 2001

[REDACTED] a Tutor/Academic Mentor, reported that in the Fall 2001, a couple of days after finals, [REDACTED] received a call from [REDACTED] asking [REDACTED] to come to the

ACSA and work with student-athlete [REDACTED] According to [REDACTED]

advised [REDACTED] that [REDACTED] could not play in the Sugar Bowl unless [REDACTED] got a passing grade in

[REDACTED], a 2 hour course taught by Assistant Professor

and [REDACTED] and that [REDACTED] still had course work to complete. One

course assignment consisted of students summarizing 5 published articles on sports medicine and

turning them into the instructor. [REDACTED] stated that when [REDACTED] arrived, [REDACTED] had 3

articles he had already taken off of the internet and [REDACTED] helped him find 2 more articles.

[REDACTED] said once the student-athlete had all the articles [REDACTED] needed, [REDACTED] took the articles and said

he could finish summarizing them at home. As reported by _____ the next thing _____ knew, _____ played in the Sugar Bowl.

The student-athlete reported that he had 3 of the 5 articles that were required for the class and that he had failed to finish all of the articles and turn them into the instructor when they were due. The student-athlete also said that the tutor, _____, helped _____ find the 2 articles that _____ was missing. The student-athlete reported that _____ summarized the articles, typed them, and turned them into the instructor, albeit belatedly.

_____ who helped teach the _____ course _____, being taken by _____, reported that _____ called _____ inquiring about _____ grade and that she had explained that _____ had failed to turn in some papers and thus had received a zero for the work. _____ advised _____ that _____ actually had some of the papers in his backpack and had simply forgotten to turn them in. _____ called Assistant Professor _____ who had moved to _____ and discussed the matter with _____ stated that they have changed grades for other students (including non-athletes) under

similar circumstances and have allowed other students to turn in work late. _____ was allowed to turn in the papers for partial credit which, once graded, resulted in him earning a "D" as opposed to a "F". _____ not feel that _____ had received any preferential treatment, since athletes and non-athletes were treated the same.

_____ who is now a professor at the _____ reported that _____ received a telephone call from _____ inquiring as to whether _____ could turn in a missed assignment, summaries of 5 literature articles. Professor _____ confirmed that _____ told _____ could turn in the papers for partial

credit since they were late, explaining that this is usual practice and thr recalled recently allowing a non-athlete student, to turn in papers under similar circumstances. did not see anything wrong with allowing to turn in the work late.

A review of transcript for the Fall 2001 semester reveals that passed 8 credit hours. The class was therefore not necessary for to satisfy the SEC rule and be eligible to participate in the bowl game.

The University has concluded there was no violation of NCAA, SEC or University rules and regulations or that the student-athlete received preferential treatment.

Exhibits:

student-athlete, Interview	Exhibit No.50
, Tutor, Academic Mentor, Interview	Exhibit No. 51
Robert Doolos, Registrar, Memo	Exhibit No. 52
student-athlete, Transcript of Fall 2001	Exhibit No. 53
former Assistant Professor, , Memo	Exhibit No. 54
.....	Exhibit No.55

(B)

Fall 2000

In the Fall 2000, student-athlete _____ was allowed by instructor _____ to make up a final exam _____ missed. The instructor reported that _____ allows all students to reschedule exams if they have an acceptable excuse. The instructor further reported that _____ will accommodate any request from a student that he thinks is reasonable regardless of whether they are athletes or non-athletes.

All students in his classes are allowed to make up final examinations up to the last day grades are due.

_____ reported the he tried to contact _____ supervisor, _____ Department, to advise _____ of _____ decision to allow _____ to makeup the final examination. _____ was out of town, so _____ advised _____, next in charge, of _____ decision to give the makeup final exam. _____ did not object, so _____ allowed _____ to makeup the final exam. _____ further reported that this past semester, a non-athlete in his

_____, missed the final. The student called _____ 2 days later, explained that _____ had overslept, and asked if _____ could makeup the test. The non-athlete was allowed to take the final, consistent with _____ practice since he began teaching.

_____ does not recall why _____ missed the initial final examination. _____ reports that _____ called _____ after missing the exam due to a scheduling conflict and asked _____ if _____ could makeup the final exam.

The University has concluded that there was no violation of NCAA rules and regulations, or that the student-athlete received preferential treatment.

Exhibits:

-----	ACSA Staff, Interview	Exhibit No. 5
	ACSA Staff, Memos	Exhibit No. 17
	Instructor, , Memo	Exhibit No. 56
	former Student-Athlete, Memo	Exhibit No. 57

Fall 2000

(A) Academic Mentor and _____
reported that _____ wrote 5 articles in a _____ class _____) for
student-athlete _____ in Fall 2000.

_____ reports that late one night _____ came to the ACSA needing help with some
articles for a sports medicine class, and that _____ asked _____ to help the student-athlete
prepare the papers. _____ reports _____ was the Academic Mentor for _____ and
was the one responsible for keeping track of _____ school work. _____ the one who would
be initially contacted concerning _____ school work. _____, however, was unable to help
because the ACSA was closing for the night. _____ further reported that when _____ arrived at the
ACSA the next morning around 9:30 a.m. _____ asked _____ to review papers already prepared
by the student-athlete to make sure the papers were what the instructor wanted _____ had
previously taken the course).

_____ in a followup interview, confirmed that _____ brought the papers to the ACSA
early the next morning. The student-athlete asked _____ to have someone review the papers
before _____ turned them into the instructor to make sure they met the instructor's requirements for
the class. The student-athlete returned about an hour later and picked up the papers.

The student-athlete confirms _____ brought the papers for review prior to turning them into
the instructor. The student-athlete further stated that his girlfriend, _____, helped him

with the papers. The University has confirmed that [redacted] helped [redacted] write several papers. [redacted] who has no connection with the ACSA or the University, reported that [redacted] always did the work and [redacted] would help [redacted] arrange [redacted] thoughts and notes so that the paper would flow better.

Both [redacted] and the student-athlete reported that [redacted] did not write or type the paper. Neither [redacted] observed [redacted] writing or typing the papers and the reports of [redacted] are inconsistent. A [redacted] reported that [redacted] helped [redacted] review the papers.

The University does not have the papers. They were not found on [redacted] computer and the University is unable to make an analysis of the papers. The instructor of the class never questioned the papers, which were turned in for credit.

The University has concluded that no one from the ACSA provided improper tutorial assistance to the student-athlete.

Exhibits:

[redacted], former Academic Mentor, Interview	Exhibit No. 2
[redacted] ACSA Staff, Memo	Exhibit No. 22
[redacted] former student-athlete, Interview and Memo	Exhibit No. 25
[redacted], former ACSA Staff, Interview	Exhibit No. 5
[redacted], former ACSA Staff, Memo	Exhibit No. 17
[redacted], friend, Memo	Exhibit No. 59

(B) Professor reported that in the Fall 2001 questioned whether a paper for his course, turned in for credit by student-athlete, was the student's own work. The Professor questioned the student-athlete and the student-athlete admitted that had received help with the paper. Though Professor concluded that was not guilty of plagiarism and had not acted in a pre-meditated manner, the student was required to rewrite the paper. The Professor could not recall whether it was a tutor at the ACSA that helped with the paper or whether it was, who the student-athlete identified as the individual who helped with all of his papers. was neither employed by, nor associated with, the ACSA.

As previously noted, when the University did a forensic search of computer, one of the papers on the computer was for It was an e-mail to PAWS (Personal Access Web Services) account from [The reason it shows up on computer is that used computer to open PAWS account and have the paper printed.] The paper on the computer is not the paper questioned by Professor but is mentioned to support the conclusion that the student-athlete received help from someone not associated with the ACSA. states that helped with the paper in question. confirmed that typed numerous papers for and another student-athlete, and helped write several papers. When questioned about this scenario, Associate Dean of Students Jim Welles was of the opinion that Professor acted in a manner consistent with the Code of Student Conduct. The student-athlete was confronted by the Professor about the behavior, and the student received a grade commensurate with the work performed.

The University has concluded that no one from the ACSA provided improper tutorial assistance to _____, and the student-athlete did not commit a reportable NCAA violation.

Exhibits:

Assistant Professor, Interview	Exhibit No. 60
former student-athlete, Interview and Memo	Exhibit No. 25
former LSU student, Memo	Exhibit No. 59
Jim Welles, Associate Dean of Students, Memo re: Requested Info Regarding Academic Misconduct	Exhibit No. 37

MAKEUP SESSION

Fall 2000

reported that
"strong-armed" into giving an extra credit session for 10 football players enrolled in
course in the Fall 2000 semester to enable them to earn extra credit.
states that the session was held at the end of the semester. said that did
this by making complaints to
Upon questioning, acknowledged that no one from
the Department actually told had to conduct the extra credit session and that
never discussed it with did report that was aware of the session
that was conducted.

does not report to the ACSA or to and has no influence
or supervisory authority over r anyone else in The ACSA reports to the
Vice Provost for Academic Affairs; ultimately reports to the n.

LSU initially became aware of a makeup session when was interviewed on
February 28, 2002. described the session as a routine makeup session and did not indicate
that was in any way coerced to conduct the session.

When was initially interviewed on March 8, 2002 by Vicki Crochet and Marian
Caillier reported that the extra credit session occurred in the Spring 2001 semester. In a letter
dated March 8, 2002 from confirmed that in the March 8
interview reported that the extra credit session occurred in the Spring 2001 semester. See Exhibit
No. 61.

During [redacted] subsequent interview on May 21, 2002, however, [redacted] reported that the extra credit session occurred in the Fall 2000 semester. [redacted] identified

[redacted] as the student-athletes involved. All of the identified student-athletes are learning disabled. [redacted] clarified that the extra credit session was actually conducted by [redacted] a student worker in

[redacted] reported that [redacted] did not actually participate in the extra credit session but was present when [redacted] and [redacted] arrived at the time the session was scheduled to start. [redacted] also stated that one student-athlete showed up 2½ hours late, some did not have pen and paper, and that the session lasted at least 5 hours, during which time [redacted] read and graded papers.

When [redacted] was interviewed in [redacted] [redacted] was asked to produce [redacted] grade sheet for the Fall 2000 [redacted]. [redacted] did not do so, but instead provided University counsel with three sheets of paper which contained the names of the ten student-athletes [redacted] reported as having participated in the study session, and the number grade they made on each assignment. See Exhibit 62. [redacted] stated during the [redacted] meeting that [redacted] did not provide the entire grade sheet because it contained the names of other students. However, at the same meeting, [redacted] provided grade sheets for Fall 2002, [redacted], Section 01 and Section 02; Fall 2002, [redacted]; Spring 2001, [redacted]; and Spring 2001, [redacted] which contained the names of all of the students in the class. A redacted copy of the grade sheets provided to University counsel at the [redacted] interview are attached as Exhibit 63.¹¹

¹¹ A comparison of the grade sheets reveals that two of the grade sheets, one for the Fall 2000, [redacted] and the one for the Spring 2001, [redacted] are markedly different from the other grade sheets, raising concern about the accuracy of the Fall and Spring grade sheets.

the student worker who reported conducted the extra credit session for [redacted] was interviewed on 2 separate occasions. [redacted] initially stated that [redacted] conducted a one time writing session for [redacted] class in the Spring 2001. It was not for credit and each individual present picked a topic to write about. There were athletes as well as non-athletes at the writing session. [redacted] did not think it was a session for which students would receive extra credit. In [redacted] second interview, [redacted] was unsure if the session occurred in the Spring or the Fall semester. [redacted] stated that there were females present, the session lasted an hour or two, and people were free to come and go as they pleased, and they were working on their writing skills. The papers were not graded. Some of the students kept their papers and others were thrown away. To the best of [redacted] recollection, there were 15 to 20 students present, athletes and non-athletes, and [redacted] did not recall anyone arriving late. See Memo attached as Exhibit No. 64.

University records indicate that [redacted] was employed in the [redacted] for approximately 2 weeks in the Fall 2000, ending November 16, 2000. [redacted] was not employed in December when the extra credit session is alleged to have occurred. [redacted] also worked in the [redacted] for about 2 months in the Spring of 2001, from January 9, 2001 until March 17, 2001. See Exhibit No. 65.

[redacted] report that during the Fall 2000 semester they were having difficulty with [redacted] because of [redacted] failure to accommodate student-athletes with learning disabilities. According to [redacted] refused to provide the ACSA

with a syllabus, often changed test dates and assignment due dates, and gave the final during "dead week".¹² Additionally, [redacted] complained about note takers in [redacted] class.

[redacted] called [redacted] when [redacted] saw the pre-assigned grades for student-athletes (prior to grades becoming final) because [redacted] had been reporting to the ACSA that all of the student-athletes in [redacted] class were doing fine. [redacted] came to the ACSA with [redacted] grade book to meet with [redacted]. According to [redacted]

[redacted] stated, in a raised voice, that the student-athletes were stupid and lazy and did not need note takers.¹³ [redacted] pointed out to [redacted] the number of zeros the learning disabled students had as a result of missed assignments. A review of the grade sheet indicates that all of the learning disabled students except one had at least 1 or more missed assignments. Because [redacted]

[redacted] had changed some time periods which may have caused the learning disabled students to miss an assignment, [redacted] decided to give them a makeup session. As best [redacted] and [redacted] could recall, there were 5 or 6 learning disabled students who were allowed to makeup some work due to their disability. [redacted] also reported that [redacted] conducted the makeup session, and state emphatically that it was not an extra credit session.

When [redacted], [redacted], was interviewed, [redacted] recalled that after classes were concluded in the Fall 2000 semester, but before graduation, [redacted] told [redacted] that some of the learning disabled student-athletes had missed assignments. [redacted] further recalled that [redacted] told [redacted]

¹² The Faculty Handbook specifically provides that no major exams may be given during dead week, and that finals must be given during the published dates for the final examination period.

¹³ The ACSA filed a complaint with Disability Services concerning [redacted] and another [redacted] instructor's problem with note takers, and Disability Services subsequently wrote a letter to [redacted] See Exhibit No. 66.

that was going to give them the opportunity to makeup the assignments and that this could change a grade from an F to a D. states that told it was call, that was the instructor, and would support whatever decision made. However, reports that told that was under no obligation to conduct the makeup session. attended the session and recalls that some of the student-athletes were thirty minutes late. There were approximately 5 student-athletes at the session and worked with them in the classroom. It was always understanding, reiterated in several interviews, that the session was a makeup session.

A review of the class roster and grade sheet produced by reveals that there were 30 student-athletes enrolled in in Fall 2000. Of the 30 student-athletes, 10 were learning disabled, and 8 of those had an increase in their letter grade higher than the numerical percentage set forth on the grade sheet. Further review of the grade sheet shows that four student-athletes received lower letter grades than the numerical percentage set forth on the grade sheet. Five non student-athletes also received letter grades which were different than the numerical percentage on the grade sheet (one of which was an "F" despite a numerical percentage of 85%). In sum, there were 21 letter grades which did not match the assigned percentage on the grade sheet. Thirteen of those resulted in a better letter grade, and 8 resulted in a worse letter grade than the assigned percentages. A copy of the redacted grade sheet is attached as Exhibit No. 67.¹⁴ A review of three other grade sheets (1) Spring 2001 (2S/2002)

(2) Fall 2001 (IS/2002)

and (3) Fall

¹⁴ and the following grading system: 100-90% = A; 89-80% = B; 79-70% = C; 69-60% = D; and 59 below = F. The University has identified the student-athletes in the class and redacted the names of the non-athletes. It is not possible to tell from the grade sheet whether any student-athlete received a grade change as a result of the makeup session. In interview, states that did not change student-athlete's grade. The grade sheet shows, however, that the grade was changed from an F to a D. Additionally, one student-athlete, who had a higher numerical grade than received an F.

2001 (IS/2002) , Section (6) also show that there are numerous inconsistencies in the reported grades. The assigned percentages do not match the letter grades in numerous instances.¹⁵ These inconsistencies, as well as the differences in form, raise concerns about the accuracy of the grade sheet.

A recent newspaper article reports that [redacted] alleged that [redacted] was pressured to hold the extra credit session in order to enable the student-athletes to be eligible to participate in the Peach Bowl. However, a review of the University's records demonstrates that all of the student-athletes were eligible regardless of the grade they obtained in [redacted] course. Attached hereto in globos as Exhibit No. 69 are the semester academic records for each of the 10 student-athletes alleged to have participated in an extra credit session. See also page 28 herein for a discussion of the SEC rule regarding post-season competition.

The Faculty Handbook states that (Exhibit No. 70):

It is the right and responsibility of the instructor to determine and assign the grade for each student . . .

The Handbook further states that:

Grading must be based on work that is assigned and evaluated equitably and fairly, with no special consideration given to individual students unless justified by disability . . .

University Policy Statement (PS-44) Grades, in pertinent part states (Exhibit No. 71):

While it is appropriate (and indeed inevitable) that the instructor should exercise subjective judgement in determining grades, particularly in "borderline" cases, the judgement should be based solely on academic considerations. Grades must not be utilized as coercive or punitive measure reflective of a student's behavior, attitude, personal philosophy, or other personal characteristics except as those qualities relate directly to the student's level of mastery of the course material.

¹⁵ A spread sheet for each of the grade sheets showing the inconsistencies is attached as Exhibit No. 68. The official grade shown on the spread sheet came from the Registrar's Records.

had the authority to assign the grades [redacted] felt were appropriate.

It bears noting that Fall 2000 was the first time the University had hired a Learning Specialist to work for the ACSA and to work with those student-athletes certified by Disability Services as needing accommodations. It was also the first time the ACSA had used note takers. Although [redacted] questioned whether the student-athletes in [redacted] class were disabled and needed note takers, under University policy and the Americans with Disabilities Act (ADA), this was not [redacted] decision to make. Rather, it was a determination appropriately made by LSU's Office of Disability Services.

In sum, there are conflicting versions of why or how the makeup session occurred. However, the individual [redacted] alleges conducted the extra credit session says that both athletes and non-athletes attended, no credit was given, and the papers were not graded. Additionally, [redacted] was not employed at the time [redacted] alleges the session occurred. The ACSA personnel and [redacted] all state there was a makeup session, not an extra credit session, for learning disabled student-athletes which was appropriate to conduct. All of the student-athletes

[redacted] reported as being at the extra credit session were classified as learning disabled.¹⁶ This student participation (learning disabled) is consistent with the makeup session the University contends was held by [redacted] for learning disabled students at the end of the semester.

Student-athletes [redacted] have no recollection of any study or extra credit session, nor do they remember making up a missed assignment. Student-athlete [redacted] remembers a session where students in the [redacted] class,

¹⁶ Attached as Exhibit No. 72 is a list of all learning disabled student-athletes and a list of their accommodation.

athletes and non-athletes, met with some guy where they were given a topic to write about. The student-athlete was unsure as to whether it was for credit. Former student-athlete,

, recalls a makeup session at the end of the semester which both athletes and non-athletes attended to improve their grades.

The University, based upon its review and analysis of all of the information has concluded that there were 2 sessions, one a makeup session conducted by , and another a writing skills session conducted by

The University, based upon a thorough review of the evidence has concluded that there was no violation of NCAA or University rules and regulations, and that the student-athletes did not receive preferential treatment.

Exhibits:

, Interview	Exhibit No. 43
, Interview	Exhibit No. 73
, Memo	Exhibit No. 22
, Interview	Exhibit No. 5
, Memos	Exhibit No. 17
, student-athlete, interview	Exhibit No. 74
, student-athlete,	Exhibit No. 75
1, student-athlete	Exhibit No. 76
, student-athlete	Exhibit No. 77
, student-athlete	Exhibit No. 78
, student-athlete, Memo	Exhibit No. 79

Drop/Add

Fall 2001

A professor reported to the Chancellor that a fellow faculty member had credible evidence of preferential treatment being given a student-athlete in one of his sections during the Fall 2001 term. Specifically, the student-athlete reportedly received a "W" after the published deadline had passed for withdrawing from a course without a grade. A copy of the E-mail to the Chancellor is attached as Exhibit 80.

The professor in _____, the course which was dropped, noted that the student-athlete never attended _____ class or took an examination.

The student-athlete thought _____ was enrolled in _____, the course which was added, as opposed to _____. The student-athlete attended _____ class and took all of the tests. When it was discovered the student-athlete was recorded as being registered in the wrong class, a retroactive Drop/Add was properly authorized by the Dean of his college. A copy of the Drop/Add form is attached as Exhibit 81.

The Registrar, Robert Doolos, reported that it is not unusual to receive and process Drop/Adds late, notwithstanding the published deadline. In the instant case, all of the proper procedures for a retroactive Drop/Add were followed. Doolos stated that his office invariably receives and processes Drop/Add requests at the end of the semester to cleanup students' schedules.

The University has concluded that there was no violation of NCAA or University rules and regulations or that the student-athlete received preferential treatment. The professor who initially reported the incident has been contacted concerning the University's finding and is satisfied the drop was proper under the circumstances.

Exhibit:

Robert Doolos, Registrar, Memo Exhibit No. 52

PREFERENTIAL TREATMENT WITH RESPECT TO GRADUATION

... reported that 4 or 5 football student-athletes were allowed to graduate with a degree in ... without a 2.5 GPA and/or they failed to make a C in a core course. The ... requires all graduates to have at least a 2.5 overall GPA, and graduates are required to make at least a grade of C in all core courses to receive credit in the course for graduation purposes.

Since the Fall of 2001, there have been 27 students who graduated in ... without a 2.5 overall GPA, or who did not have a C in a core course. Of these 27 students, 4 were student-athletes, 2 of whom were football players. The decision to grant the graduation exemption was made by the ... None of the exemptions involved students in the field of teaching. The decision to approve such exemptions is now made by Office of Academic Affairs for all Colleges.

The University has concluded that there was no violation of NCAA or University rules and regulations, or that student-athletes received preferential treatment.

Exhibits:

..... Exhibit No. 82
..., Interview Exhibit No. 43
..., Interview Exhibit No. 83

NOTE TAKERS

and one other instructor raised concerns about the use of note takers for student-athletes, alleging abuse of the process. Among the alleged abuses are disabled students sleeping while note takers attended the class and took notes for them, a learning disabled student-athlete dropping a course but the note taker continuing in the course, and non learning disabled students gaining access to the notes taken by the note takers.

Student requests for accommodations are generally handled by LSU's Office of Disability Services (ODS). In the case of student-athletes, the ACSA, does all of the preliminary screening of those suspected of having a learning disability. When refers the student-athletes to the ACSA to perform the assessment and to recommend any type of accommodation needed. The student-athlete then fills out an Application and Request for Accommodation form with LSU's Office of Disability Services requesting an accommodation. The clinical reports are filed with the application. A copy of the Application and Request for Accommodation are attached as Exhibit No. 84.

Disability Services then sends an accommodation letter to the student's instructors, and a copy is maintained in the ACSA. A sample copy of an accommodation letter is attached as Exhibit No. 85. This procedure is repeated each semester.

The ACSA maintains a file on each learning disabled student-athlete. The file contains the syllabi for all courses, an academic calendar for each semester, as well as a weekly planner. The files are maintained by the Learning Disabled Specialists in the ACSA.

LSU has many learning disabled students, including student-athletes, who have been approved for note takers by Disability Services. There are 60 active classes for which the

University has note takers and use of the internet to access the notes. Some classes also have real time captioning for the learning disabled. To gain access to the internet notes, a student has to apply for and sign a confidentiality statement. Each student is assigned a password to gain access to the notes. A copy of the confidentiality statement is attached as Exhibit No. 86.

The note takers for student-athletes are provided through the ACSA. The ACSA contacts the better students in a class to see if they will act as note takers. The note takers file the notes with ' The ACSA maintains the notes in a file, and only those authorized to use the notes have access. The student-athletes do not know who their note taker is since the note takers are contacted independent of the student-athlete. This was a procedure started by ' who However, ODS has always

made the accommodation decision for student-athletes in the same way as it does for all students.

Prior to ' , the ACSA would first try to find another student-athlete in the class who was a good student, or a student in the class that they knew, and make arrangements with them to be a note taker and bring the notes to the ACSA so that they could be filed. If they could not find a note taker as stated above, they would hire one of the tutors or Academic Mentors to be a note taker, and that individual would attend class with the student-athlete. Normally, the notes were not used until the ACSA conducted a study session prior to an exam.

LSU initially began providing note takers for student-athletes during the Fall 2000 semester. With the start of any new program, there were some glitches which had to be resolved and rectified as the program was implemented. Initially, some student-athletes were accompanied to class by their note taker, and on occasion there would be more than one note taker in a class. Also, occasionally a student-athlete with a note taker would drop a class and it

might be two to three classes later before the note taker was told to stop attending the class. All of these problems were eliminated, however, once the program matured and the student-athlete became familiar with the system and learned they were still expected to pay attention, take notes themselves and participate in the class.

During the course of this investigation, no instructors other than Mayne have complained about the use of note takers for learning disabled students.

The University has concluded that there were no violations of NCAA or University rules and regulations, or preferential treatment of student-athletes.

Exhibits:

.....	t, Memo and Interview	Exhibit No. 87
.....	, Disability Services, Memo	Exhibit No. 88
.....	f	Exhibit No. 22

PREFERENTIAL TREATMENT WITH RESPECT TO ACADEMIC DISHONESTY

Spring 2001

With respect to student academic misconduct, the Faculty Handbook¹⁷ states:

All instructors shall report suspected academic misconduct to the Dean of Students. No University disciplinary sanction shall be imposed upon a student, except in accordance with the provisions of the *Code of Student Conduct*.

An instructor may not assign a disciplinary grade, such as an "F" or zero on an assignment, test, examination, or course as a sanction for admitted or suspected academic misconduct, in lieu of formally charging the student with such misconduct under the provisions of the *Code of Student Conduct*.

A similar statement is set forth in the *Code of Student Conduct*.¹⁸ Additionally, the Dean of Students publishes a paper "Promoting Academic Integrity at LSU" which discusses, in detail, the manner in which faculty are to handle academic integrity issues. A copy of the paper is attached as Exhibit No. 90. In academic dishonesty cases, the instructor is encouraged to contact the Dean of Students' office immediately, and in any event no later than 10 days from the date the alleged violation was discovered.

University rules and regulations make it abundantly clear that it is each individual instructor's duty to report academic dishonesty directly to the Dean of Students.

_____ was a _____
_____ in the _____
for _____ in the Fall 2000 and Spring 2001 semesters. _____ had started a

¹⁷ Attached as Exhibit No. 70.

¹⁸ Attached as Exhibit No. 89.

¹⁹ A copy of _____ work history with the University is attached as Exhibit No. 91.

program referred to as "Writing Across the Curriculum."²⁰ There were three (3) different graders for this program:

students. More often than not, there were three instructors who taught

Each grader received some papers from each instructor to grade. According to [redacted], in the Spring 2001 semester, on or about May 8, 2001, after grading

[redacted] assigned papers for that semester, [redacted] returned [redacted] papers to [redacted]. There were no problems with any of [redacted] papers. [redacted] states that [redacted] were in

[redacted] office, and [redacted] returned to [redacted] papers, except three or four which

thought were plagiarized. [redacted] then gave [redacted] all of her papers except five, which

[redacted], also considered to be a problem.

[redacted] states that [redacted] then took all of the problem papers to [redacted] office, who allegedly reviewed them and instructed [redacted] to return the papers to [redacted] and

[redacted] states [redacted] followed these instructions. [redacted] further states that [redacted] told

[redacted] could not fail the students or give them zeros because they were athletes. [redacted] claims that

both [redacted] and [redacted] told [redacted] that all of the problem papers involved student-athletes.

[redacted] also states that several weeks later, when [redacted] had a discussion with [redacted] about an unrelated matter involving [redacted] that was pending before the Dean of Students, [redacted] told [redacted] that the papers were another problem and it was all connected because of the attorney [redacted] had hired.

²⁰ [redacted] became concerned about the quality of the written assignments in [redacted] and instituted a University program where graders would grade papers not only for content but for spelling, grammar, punctuation and sentence structure. [redacted] wanted to improve the writing skills of the [redacted] students.

reports that to the best of [redacted] recollection [redacted] met with [redacted] on three occasions during the spring semester 2001. The first occasion was March 22, when [redacted] had been accused of [redacted] (the unrelated pending matter referred to above). Jim Welles, Associate Dean of Students, ultimately became involved in reviewing the [redacted]. The second occasion [redacted] recalls meeting with [redacted] was during the third week of April, when they met to discuss changes to [redacted]. On April 26, [redacted] talked with [redacted] about a [redacted] and a time line for [redacted]; [redacted] states emphatically that [redacted] did not talk to [redacted] again until the summer. The last day of classes was May 4, 2001, and [redacted] said [redacted] never talked to [redacted] about any plagiarized papers and never received any papers from [redacted]. The third time [redacted] recalls meeting with [redacted] was in the Summer 2001, to offer [redacted] an assistantship for Fall 2001. According to [redacted], there was no discussion about the papers. See letter from [redacted] attached as Exhibit No. 92.

Jim Welles,²¹ Associate Dean of Students, states that [redacted] never discussed any plagiarized papers with him during the [redacted] investigation. Welles further reports that

[redacted], in response to his inquiry as to whether [redacted] had any other complaints about anyone else in [redacted], replied that there were no other problems.

Marian Caillier,²² Human Resources, was involved in investigating [redacted] allegations of [redacted] alleged to have occurred in response to a [redacted] made by one of [redacted] fellow graduate students, which claim of [redacted] had made after [redacted] had been accused of [redacted]. Caillier states that [redacted] never mentioned any plagiarized papers to her

²¹ See Welles' Memo, Exhibit No. 37.

²² See Caillier's letter to Owen dated October 10, 2001, Exhibit No. 93.

during the course of that investigation, and it was not until the March 8, 2002 interview of [redacted] that Caillier became aware of [redacted] involvement with the plagiarized papers.

When interviewed, [redacted] stated that in the Spring 2001, [redacted] submitted 1 paper to [redacted] that [redacted] felt was plagiarized. [redacted] received the paper and checked the reference source. [redacted] does not remember if the paper was that of a student-athlete but concluded that the paper was not plagiarized. The other two papers of [redacted] students that were of concern to [redacted] did not involve plagiarism but were poorly written. [redacted] met with the 2 students who were not athletes concerning their writing skills and gave them a zero on the paper. [redacted] has no information or knowledge concerning [redacted] papers.

Additionally, [redacted] does not recall being with [redacted] when [redacted] gave [redacted] the papers, as [redacted] had stated, and [redacted] never discussed going to [redacted]. [redacted] is of the further opinion that it would be highly unusual for a grader or a graduate assistant (unless the graduate assistant was an instructor) to report any academic dishonesty issue directly to the [redacted].

t. Normal protocol would be for the graduate assistant to bring suspected plagiarism or any other suspected academic dishonesty issue directly to the instructor's attention, and for the instructor to deal with the situation.

The correspondence²³ between [redacted] and [redacted] the University and attorneys for the University indicates that [redacted] never mentioned the issue of plagiarized papers or alleged that [redacted] had been retaliated against for reporting plagiarism to [redacted].

z. Likewise, there is no allegation in the correspondence of preferential treatment of [redacted].

²³ Attached hereto in globo as Exhibit No. 94.

²⁴ Until sometime in late March, 2002, [redacted] represented both [redacted] and [redacted].

student-athletes or that [redacted] had been retaliated against for reporting academic dishonesty by student-athletes. [redacted], 2002, also does not refer to plagiarized papers or retaliation for reporting alleged plagiarism.²⁵ It was not until the [redacted] 2002 interview of [redacted] that LSU became aware [redacted] was involved with the plagiarized papers.

Turning to [redacted] papers, LSU has concluded that [redacted] did grade the five papers and did bring them to the attention of [redacted], who in turn brought the plagiarism issue to [redacted]. The only evidence that [redacted] herself informed [redacted] about, or had any discussions with [redacted] about, the papers is [redacted] own uncorroborated testimony. [redacted] reports that [redacted] went to [redacted] and told [redacted] that [redacted] had five papers which appeared to be plagiarized. [redacted] states [redacted] did not know University policy so [redacted] went to [redacted]. According to [redacted], [redacted] gave [redacted] the originals of the papers.²⁶ [redacted] contends that [redacted] told [redacted] to keep the matter quiet, that [redacted] would get back to [redacted], and that these were student-athletes so [redacted] was going to talk to [redacted].

[redacted] states that [redacted] subsequently called [redacted] to [redacted] office and told [redacted] that [redacted] and [redacted] had decided to give the student-athletes zeros on the papers but that [redacted] could not fail them because [redacted] had given [redacted] final exams during dead week. [redacted] further reported that [redacted] called [redacted] at home and inquired as to whether [redacted] had [redacted].

²⁵ EEOC charge attached as Exhibit No. 95.

²⁶ The five papers and the internet article on [redacted] are attached as an exhibit to the transcribed interview of [redacted], Exhibit No. 83.

talked to _____ and that they, _____ and _____ had decided to give the student-athletes a zero on the papers.

_____ disputes _____ account. _____ reported that, to the best of _____ knowledge and recollection, _____ received a phone call from _____ concerning 5 student-athletes who may have plagiarized papers. _____ and _____ went to _____ office. _____ had the papers and _____ had _____ io, pull up the internet article _____ said was plagiarized. They reviewed the papers, then _____ left. _____ said _____ later was told by _____ that _____ had decided to give the student-athletes zeros on the papers.

_____ emphatically denies that _____ and _____ agreed to give the student-athletes zeros on the papers or that she called _____ at home.

_____ was interviewed. _____ is not only highly regarded and well respected by the faculty of the _____ at LSU, but by the _____ as well.

_____ is nationally recognized as a leader in her field for academic achievement.²⁷ _____ stated that faculty members routinely, though not frequently, give papers to _____ that they feel are plagiarized. _____, just as routinely, tells the faculty member that they cannot give the student an "F" or a zero in lieu of formally charging the student with academic dishonesty. The instructor must provide the Dean of Students with evidence. _____ further stated that _____ remembers discussing the papers with _____ and meeting with _____ in _____ office about the papers and agrees that _____ secretary pulled the internet article for them to check against the papers.

²⁷ A copy of _____ Curriculum Vitae is attached as Exhibit No. 96.

also stated that [redacted] did lecture [redacted] about giving [redacted] final exams outside the exam period. However, this was not related to the papers, and [redacted] E-mailed all instructors in the Department about the final exam schedules.

Contrary to [redacted] account, [redacted] says that [redacted] did not make an arrangement with [redacted] to give the student-athletes zeros on their papers.

[redacted] stated that if [redacted] left the papers in [redacted] office, [redacted] does not know what happened to them. [redacted] does recall 2 other occasions where papers were left in [redacted] office.

[redacted] reported that [redacted] left some papers of non-athletes that [redacted] thought were plagiarized for [redacted] to review. Sometime later [redacted] ran into [redacted] and asked [redacted] what [redacted] did with the students, and [redacted] reported that [redacted] decided not to report the students to the

[redacted] came across the papers in [redacted] office and returned them to [redacted] also remembered an incident with [redacted] who had turned some students over to the Dean of Students but had left the papers in [redacted] office. [redacted] had to retrieve the papers from [redacted] office to give to the Dean of Students.

[redacted] states that over the last 3 years. [redacted] is aware of 8 to 10 academic cases in the [redacted] involving alleged plagiarism. [redacted] emphasizes that it is an individual faculty member decision, not a decision by the [redacted] as to whether a student should be turned in to the Dean of Students.

[redacted] brought papers of 2 student-athletes in the Fall 2001 semester to [redacted] and [redacted] encouraged [redacted] to take them to the Dean of Students. [redacted] discussed the plagiarism issue with [redacted] well, and [redacted] also encouraged [redacted] to take the matter to

the Dean of Students. The 2 student-athletes, [REDACTED], were turned over to the Dean of Students for appropriate action. See Exhibit No. 38.

In the Spring 2001, [REDACTED], another instructor in [REDACTED] went to [REDACTED] with a plagiarism issue and was instructed to turn the matter over to the Dean of Students.

[REDACTED] nevertheless alleges that [REDACTED] told [REDACTED] to "get on the team with the ACSA." [REDACTED] denies this. [REDACTED] stated that [REDACTED] often uses the term "Academic Team" or "Academic Community" in the context of discussion about reaching the [REDACTED]'s goal. However, according to [REDACTED], that term or phrase was never used by [REDACTED] in connection with the ACSA.

[REDACTED] reported that [REDACTED] met with [REDACTED] in early January 2002 and asked [REDACTED] to go to [REDACTED]

(see discussion intra at pp. 61- 62).

Shortly thereafter, on January 18, 2002.

§

[REDACTED] reports that [REDACTED] did not mention or comment on any of the plagiarized papers nor mentioned student-athlete [REDACTED] when [REDACTED] met with [REDACTED] in early January 2002. [REDACTED] also did not discuss the ACSA or any problems [REDACTED] had with any employee of the ACSA.

The first time the University became aware of an allegation of suspected plagiarism involving [REDACTED] and five other student-athletes was February 22, 2002, when Vicki Crochet, attorney for LSU, received a phone call from [REDACTED] who

On February 25, 2002, [redacted] sent a letter to the Dean of Students accusing student-athlete [redacted] of plagiarism.²⁸

At the March 8, 2002 interview of [redacted] provided University attorney Vicki Crochet with a copy of the five papers, the internet article, and a copy of the [redacted] paper. Shortly thereafter, on March 13, 2002, Director for Compliance Bo Bahnsen and University Attorney Mike Pharis met with the Dean of Students to discuss the plagiarized papers and the investigation. As a result of the meeting with the Dean of Students, the University sent a letter dated March 21, 2002 to [redacted] requesting additional information from [redacted]. A copy of the letter is attached as Exhibit No. 97. By letter dated May 14, 2002, the plagiarized papers were forwarded to the Dean of Students for his disposition in accordance with the *Student Code of Conduct*. A copy of the letter is attached as Exhibit No. 98.

Upon receiving the grade sheet for [redacted] spring semester from [redacted], University counsel forwarded it to the Dean of Students. A copy of the grade sheet for [redacted] semester, is attached as Exhibit No. 99. The alleged plagiarized paper is the fifth grade on the grade sheet. [redacted] said in [redacted] recorded statement (Exhibit No. 43) that [redacted] was told to give the student-athletes zeros on the papers. A review of the grade sheet shows, however, that [redacted] did not receive a zero but instead received 24 points. [redacted], another student-athlete, also received 24 points on his paper. Also, the numerical grades assigned to [redacted] on a percentage basis are "Ds" instead of "Cs."

²⁸ A review of the grade sheet provided by [redacted] for the [redacted] class shows that [redacted] given an "F" in the class when [redacted] should have received a "D", a violation of the Faculty Handbook and the *Code of Student Conduct*. Additionally, seventeen (17) students received letter grades which were not representative of their numerical percentage. A copy of a redacted worksheet is attached as Exhibit No. 68. A copy of the letter and the paper are attached to [redacted] transcribed statement which is attached as Exhibit No. 43.

Once again, the grade sheet does not support [redacted]'s testimony.

LSU believes that [redacted] are attempting to link their personal issues against the University ([redacted]) to LSU's investigation of possible NCAA rules violations. The first time those alleged NCAA rules violations were mentioned to LSU was February 22, 2002, several weeks after the University had commenced its investigation and after word of the investigation began to leak to the public. The first letter from [redacted] mentioning alleged NCAA issues is dated March 8, 2002.

It is relevant to note that although [redacted] neither [redacted] nor [redacted] agreed to be sworn to tell the truth. They also further refused to be interviewed separately. The interruptions, particularly by [redacted] in [redacted] was questioned, leaves doubt as to what independent knowledge each may have.

The Dean of Students reports that in his experience it would be out of character for either [redacted] to conceal academic dishonesty. The Dean stated that both have always cooperated with [redacted] office and have never attempted to thwart an investigation or failed to report academic dishonesty of which they had knowledge. In the Fall 2001 for example, both [redacted] encouraged [redacted] to refer [redacted] to the Dean of Students. [redacted] was [redacted] and [redacted] played on a consistent basis.

In the [redacted] plagiarism issue, one of the student-athletes was a [redacted] participant and the others were [redacted]. One had [redacted] from the team, one was [redacted], one was on the team but did not play [redacted], and one was [redacted] who played sparingly. It does not make sense that [redacted] would take the

chance of tarnishing their reputations over these five student athletes while insisting that

be turned over to the Dean of Students.

who was a graduate assistant and grader with in

tated that the only plagiarism issue had was in the Spring semester 2001.

ontrary to allegations, brought 2 papers to which

thought were plagiarized. does not think they were student-athletes and does not

know what happened to the papers. The Dean of Students Office has no record of

ever filing a plagiarism complaint except against . A memo of interview is

attached as Exhibit No. 100.

The Office of the Dean of Students was asked to review its records and has concluded that there has been no preferential treatment of student-athletes. (See Welles' Memo, Exhibit No. 37; and David Price's letter dated June 28, 2002, Exhibit No. 101.)

As mentioned supra at p. 60,

, has reported that there were legitimate personnel issues related to

some of which were brought to attention by the ACSA.

These, according to were unrelated to the plagiarized papers. Some of the issues which

caused suggest that could benefit from instruction at

are as follows:

1. difficulties with note takers;
2. refusal to cooperate with and in the development of a Department-wide exam for . Department-wide exams are used all across campus to insure that students cover the same material in required courses as they advance through the College;

²⁹ 's resume and work history are attached, in globo, as Exhibit No. 102.

3. Failure to r
4. Giving finals during dead week; and
5. Failure to provide and maintain a proper syllabus. A copy of i ; syllabus for
 _ is attached as Exhibit No. 103. A copy of ; llabus for the same
 course is attached as Exhibit No. 104.³⁰

The NCAA violations alleged by e and have been very carefully and thoroughly investigated by LSU. The University has concluded that the allegations have not been substantiated.

LSU interviewed five of the six student-athletes accused by of plagiarism:

(1) , e nt-athlete stated ntacted ; when received a "C" in the course and was told did poorly on inal; (2) a football student-athlete, reported that told there was a problem with his paper and ; lid not know how it would be resolved; (3) , reported that was required to rewrite paper and turn it in to ; (4) , ; l student-athlete, had no knowledge of the incident; and (5) , a football student-athlete, did not know anything until was contacted by the Assistant Dean of Students. The sixth student-athlete was no longer available for an interview.

There are conflicting versions as to what occurred with respect to the plagiarized papers. Although the University takes all academic misconduct, including plagiarism, very seriously, plagiarism, according to the NCAA, is not an NCAA violation unless the student-athlete is treated differently than non-athletes or an institutional staff member is involved. In the instant

³⁰ The ACSA, had supervisory authority over e, and could not force or requir to do anything. They did complain to about refusal to provide a syllabus; complaints about note takers; and omments in the class about the Learning Specialists.

matter, there is no allegation, evidence or testimony the ACSA was involved in any manner with the papers themselves.

The University, based upon a thorough review of the evidence, has concluded that there was no violation of NCAA or University rules and regulations, and that the student-athletes did not receive preferential treatment. Additionally, the matter has been reported to the Dean of Students for his disposition in accordance with the *Code of Student Conduct*.

Exhibits:

, Interview and Memo	Exhibit No. 82
, Interview	Exhibit No. 43
, Interview	Exhibit No. 83
, Interview and Memo ..	Exhibit No. 73
ACSA Staff, Interview	Exhibit No. 5
ACSA Staff, Memos	Exhibit No. 17
, Interview	Exhibit No.105
, Interview	Exhibit No.106
student-athlete (soccer), Memo	Exhibit No.107
, student-athlete (football), Memo	Exhibit No. 16
student-athlete (football), Memo	Exhibit No.108
student-athlete (walk-on, football), Memo	Exhibit No. 109
, student-athlete (football), Memo	Exhibit No.110

—
Additionally, [redacted] alleged that student-athlete [redacted] who was caught cheating by instructor [redacted]; was never reported to the Dean of Students because he was a football player. [redacted] was alleged to have cheated off of [redacted] the final and one other exam. [redacted] joined in the allegation without personal, independent knowledge of the facts.

[redacted] did in fact report [redacted] the Dean of students on 2 occasions. (Memo from Associate Dean of Students, Jim Welles, Exhibit No. 37.) The Dean of Students has recently completed his investigation and the student-athlete received an “F” in the class.

The University has thoroughly investigated this allegation and had concluded that no preferential treatment was provided and there was no violation of NCAA or University rules and regulations, or that the student-athlete received preferential treatment.

Exhibits:

former student-athlete, Interview Exhibit No. 44
w Exhibit No. 43
Interview Exhibit No. 83
. Exhibit No. 42

English Instructor reported that last summer, in 2001, a student-athlete stopped going to class and reported it to According to old that this was inconsistent with what had previously reported (that the student-athlete was performing satisfactorily in class). also said that he told hat , would be hearing from never heard from however, and the student-athlete returned to class and completed the course. states that never told would call and that must have misunderstood comment about reporting the student-athlete to also reported in the Fall 2001, that asked if there was anything could do for student-athlete who was in s iad made a "D" in class and thought e was trying to get to change the grade. denies that asked to change grade. did state that contacted all of instructors that semester and asked them to review their grade books to make sure iad received the correct grade in their course.

The University has concluded the student-athlete should have contacted the Professor instead of even though such contact by did not violate NCAA or University policy and procedures. the new Executive Director of the ACSA, Dr. Grooters, has instituted a strict policy henceforth prohibiting anyone from the ACSA contacting an instructor about a grade change.

Exhibits:

Instructor, English, Memo	Exhibit No. 111
Instructor, English, Report to Chancellor	Exhibit No. 112
nos	Exhibit No. 17
P.S. 44 - Grades	Exhibit No. 71

TUTORS PRESSURED BY STUDENT-ATHLETES TO DO THEIR WORK

On May 10, 2002, the LSU student newspaper, The Reveille, reported that several former tutors stated that student-athletes pressured tutors to do their homework either because the tutors were physically scared of the athletes, or because the student-athletes evaluate the tutors and approve their hours.

The University was only able to contact one of the two former students named in the article, [redacted], who was [redacted]; roommate prior to his moving to Alabama, advises that no staff member of the ACSA asked [redacted] to type or write a paper for a student-athlete, and [redacted] never did any homework for a student-athlete. [redacted] says [redacted] was misquoted in the article by [redacted] a, who advised [redacted] that the interview was for an English paper, not an article for the Reveille, and that [redacted] never told [redacted] any pressure [redacted] received from student-athletes. Former Tutorial Coordinator for the ACSA, [redacted], reported that he fired [redacted] because he was padding his hours.

A copy of The Reveille article is attached as Exhibit No. 9. [redacted] interview is attached as Exhibit No. 113.

Following publication of The Reveille article, LSU conducted an internal audit of the Academic Center for Student Athletes. A copy of the audit is attached as Exhibit No. 10. After reviewing the audit and the recommendations of the internal auditors, the ACSA adopted all of the recommendations of the auditors. A copy of the memo by [redacted]

[redacted], is attached as Exhibit No. 114.

A copy of the letters to [redacted] i are attached as Exhibit No. 115.

The University has concluded, based upon the audit and the interview of _____ ,
that there were no violations of NCAA or University policies and procedures.

Exhibits:

former ACSA Staff Exhibit No. 116

In the Summer of 2001, several student-athletes took two sessions of an independent study course taught by .r. Also enrolled in the class as a student was a tutor at the ACSA. The course did not have a text book available for purchase from the LSU Bookstore due to an error by the Bookstore. The students therefore had to purchase copies of the text directly from the

The ACSA obtained a copy of the text for each session for use by the student-athletes, which copy was kept in binders in the ACSA office (one for each session). Three or 4 of the student-athletes in the class used the binders in the ACSA, while others stated they obtained their own copy of the text.

The tutor reported that was directed by o highlight the ACSA's copy of the text when was doing work for the class to help the student-athletes locate those portions relevant to the answers to their assignments. also numbered some of the highlighted material so as to correspond to the relevant information for each question in the assignments. The tutor and all of the student-athletes interviewed stated that they prepared their own papers, formulated their own answers, and turned them into the instructor. One student-athlete stated that only one of the binders was highlighted and another stated that some of the highlighted text was numbered. reported that was absent part of the summer, and therefore could not highlight all of the text.

stated that never instructed to highlight the material and wanted the binders to stay in the ACSA since they were the only copies of the text available for the course. If did highlight the material did it on own.

states that, checked all of the papers for possible plagiarism and at no time did feel that a student-athlete turned in work that was not his own. The tutor, by highlighting the answers, saved the student-athletes some reading time. However, the student-athletes did have to read the highlighted material and formulate their own answers to the questions, a process admittedly expedited by numbering some of the highlighted material.

Associate Dean of Students, Jim Welles, stated that, in his opinion, because the student-athletes formulated their own answers to the questions which were turned in for credit there was no violation of University academic policies. Welles further concluded that although the activity should not have occurred, it did not rise to a level which would result in the students being referred for possible discipline under the Code of Student Conduct.

The University has concluded, based upon the opinion of the Associate Dean of Students, that there was no violation of NCAA or University Policies or Procedures. The University has, however, instructed the ACSA that such tutorial activities are impermissible and will not be allowed.

Exhibits:

gy, Interview	Exhibit No. 73
former Academic Mentor, Interview	Exhibit No. 4
Interview	Exhibit No. 5
Memos	Exhibit No. 17
, student-athlete	Exhibit No. 31
student-athlete	Exhibit No. 117
student-athlete	Exhibit No. 118
, Assistant Dean of Students, Memo	Exhibit No. 37, 38, and 39

VII. RELATED INFORMATION

Both [redacted] and [redacted],³¹ [redacted] t the University in addition to alleging possible violations of NCAA legislation. LSU submits that it was not until after it became publicly known that LSU was conducting an internal investigation that [redacted] and [redacted] tried to turn their personal issues into possible NCAA violations, and LSU submits that they have tried to link their personal issues to LSU's NCAA investigation to enhance their positions in their [redacted]. Additionally, some of the allegations made by [redacted] and [redacted] are apparently based upon information provided by a [redacted], who, like [redacted], has personal issues³² with the University (since [redacted] and [redacted] could not have independent or personal knowledge of the allegations).³³

As soon as the investigation reached a stage where the Chancellor could inform the faculty and staff of the investigation without compromising the investigation itself, the Chancellor sent the E-mail, attached hereto as Exhibit 7, to more than 4,561 faculty members and staff employees at the Baton Rouge Campus of LSU. In the E-mail, the Chancellor requested all faculty and staff with substantiated information which could assist with the investigation to contact Dr. Laura Lindsay, a trusted member of the faculty. The E-mail from the Chancellor generated 14 responses. A copy of all responses are attached hereto, in globo, as Exhibit 121.

³¹ [redacted]

³² [redacted]

was [redacted]

and was not [redacted]

ig. [redacted]

³³ Interview of [redacted]

[redacted] is attached as Exhibit No. 44.

Eight of the responses were positive, indicating that the professors had never had any problems with the ACSA or its staff. One was positive with respect to the ACSA, but indicated that the professor was of the opinion that a student-athlete had received more help with a paper than was probably permissible under University and NCAA guidelines. The professor resolved the issue to his satisfaction, however, after questioning the student-athlete about his knowledge of the subject matter.

One response was negative, in that the instructor felt she had been pressured by a staff member of the ACSA. There was one allegation which was not investigated due to the age of the allegation, and another involved a complaint about receiving E-mails from the ACSA requesting information about student-athletes. One response involved a student-athlete being reported to the Dean of Students for disciplinary action and corroborated the University's conclusion that student-athletes do not receive preferential treatment with respect to disciplinary action for academic dishonesty. The last response questioned whether a student-athlete received preferential treatment by being allowed to drop a course beyond the drop/add date without a grade. The E-mail from the Chancellor shows the breadth of the University's efforts in seeking to uncover misconduct by the ACSA.

VIII. ACADEMIC CENTER FOR STUDENT ATHLETES

A. ACSA OPERATIONS PRIOR TO DR. GROOTERS

A copy of the Tutorial Manual used through August, 2002, is attached as Exhibit No. 122.

The tutors and Academic Mentors were previously trained by _____ and _____ staff on a regular basis. In the Fall 2000, the ACSA had the University's Center for Academic Success conduct a training session for all tutors and Academic Mentors at the ACSA. (A copy of the program is attached as Exhibit No. 123.)

For a number of years the University has used a tutorial manual to educate, train and provide guidance to tutors, Academic Mentors, staff and others associated with the ACSA concerning University, ACSA and NCAA rules and regulations. Each individual employed by the ACSA was (and is) required to sign the University's NCAA/Academic Honesty Policy.

Additionally, each semester a seminar was (and is) conducted by staff members with input from the Compliance office. This seminar is used to remind everyone of the rules, and to train any new ACSA employees with respect to University, ACSA and NCAA rules and regulations. The Director of the ACSA and selected staff are required to attend SEC and NCAA compliance seminars. In addition, the University encourages all ACSA staff members to join NAAAA, and reimburses the cost to attend NAAAA meetings.

The ACSA has used, and continues to use, staff and tutorial monitors to monitor all computer labs and study areas to insure that student-athletes are doing their own work instead of the tutors, all proper procedures are followed, and student-athletes take responsibility for their own education and training.

Additionally, Tutorial Coordinators, who worked during the day, hired the tutors and monitored the activities of the ACSA. The staff of the ACSA was also present and more day-time tutoring was conducted than is presently the case. The then Head Football Coach preferred daytime tutoring. At night, _____ a staff member, and one or two senior tutors monitored the night-time tutorial services. Other staff members were occasionally present. When _____ moved to days, two graduate assistants and a staff member, _____ would monitor study hall at night.

Every effort was made under the budgetary resources available to train, educate, and monitor the activities of the ACSA to insure compliance with all regulatory rules and regulations. Many of the programs in place today were started by _____ however, there was room for improvement. It should be noted that none of the allegations occurred while _____ was the _____ And considerable improvements have been made, as discussed below.

B. CURRENT ACSA OPERATIONS

The University is convinced that the possible NCAA rules violations which were reported to _____, Dr. Grooters, came to the University's attention in significant part because of the University's heightened efforts to enhance its institutional control over the ACSA. The University, prior to any reports of improprieties involving the ACSA, had observed the need to not only upgrade and make the staff of the ACSA more professional, but to upgrade and improve the monitoring and training of the tutors, Academic Mentors, and others. As a result of the changes instituted, it became apparent to everyone at the Center that the University was absolutely committed to complying with all rules and regulations involving the ACSA.

LSU head football Coach Nick Saban was hired in December 1999. He came from Michigan State where he had worked with Dr. Grooters, and Coach Saban is the one who initiated the discussions at LSU concerning changes in the ACSA. Coach Saban, as well as other coaches, did not feel that the Gym Armory facility was sufficient or that the ACSA was properly funded or staffed.

In August 1999, shortly after Chancellor Emmert was hired, reporting responsibility for the ACSA was transferred at the request of the Provost's office from the Provost's office to the Vice Chancellor for Student Life and Academic Services. The transfer was the result of a campus-wide realignment of all auxiliary student life service groups under the newly created position of Vice Chancellor for Student Life and Academic Services. After Coach Saban arrived and initiated discussions, the Chancellor, with the concurrence of the Provost's office, concluded that the ACSA should not have been transferred, and in January 2001, placed the ACSA under the control of Vice Provost for Academic Affairs, Greg Vincent. The Chancellor, Coach Saban and Greg Vincent felt that the ACSA was an academic unit and therefore needed to be under the control of the Provost's office.

Prior to placing the ACSA once again under the control of the Vice Provost, the University announced plans to privately raise Fifteen Million Dollars (\$15,000,000) for a new Academic Center for Student Athletes. Ten to twelve million was designated to renovate and modernize the Center, and to upgrade the technology of the Center. The remainder is to be used to endow future funds for the operation of the ACSA. In keeping with the University's commitment to making the ACSA what it should be, the ACSA's budget was *doubled* from

\$500,000 to \$1,000,000 per year, beginning fiscal year 2002. And, the University increased the full time professional staff from 6 to 12 to better manage and monitor the activities in the ACSA.

In May, 2001, the ACSA was temporarily moved from the Gym Armory to Broussard Hall while the ACSA in the Gym Armory was renovated.

In August

2001, Dr. Roger Grooters was hired as the Executive Director of the ACSA. A copy of Dr. Grooters' resume is attached as Exhibit No. 124.

Every night under Dr. Grooters' regime at least two or three staff members plus two graduate assistants monitor the activities in the ACSA. All tutorial services are required to take place in the ACSA unless there is a specific need to use the Library for a research project.

In September 2001, Dr. Grooters and his staff conducted the tutor training session. The memo attached as Exhibit No. 125 was given to all academic mentors, learning assistants and tutors.

In November 2001, _____ red as the Tutorial Coordinator to upgrade the tutorial services offered by the ACSA and to monitor their activities. Attached as Exhibit No. 126 are the changes which were made in the tutorial program. A new computer program was also installed to keep track of tutorial services. See Exhibit No. 127.

A copy of the new Tutorial Manual, which will be used effective September 2002, is attached as Exhibit 128.

A copy of the memorandum from Dr. Grooters outlining changes in the ACSA, most of which have already occurred, is attached as Exhibit 129.

At the beginning of the Fall 2001 semester, Associate Dean of Students, Jim Welles, addressed the student-athletes regarding academic dishonesty.

It is readily apparent that LSU was making, or had made, significant changes in the operation of the ACSA at the time the alleged improprieties were brought to the attention of the University.

It is also apparent that LSU, prior to learning of any alleged improprieties, had made a major commitment to the academic well-being of its student-athletes, and was taking all necessary steps to insure continuing compliance with all NCAA and University Rules and Regulations. The University, by investing significant sums of money in the facilities and staff, is attempting to become one of the top Academic Centers in the Country.

Exhibits

Dr. Roger Grooters, Executive Director ACSA, Interview	Exhibit No. 130
" " , Interview	Exhibit No. 131
" " , Interview	Exhibit No. 132
" " , Memo	Exhibit No. 17
" " : ACSA	Exhibit No. 116
" " , Interview	Exhibit No. 30
Greg Vincent, Vice Provost, Academic Affairs, Interview	Exhibit No. 133
New Computer Tracking Program	Exhibit No. 127
ACSA Student Employee Guidelines	Exhibit No. 134
Dr. Pauline Rankin, Vice Provost	Exhibit No. 135

IX. CONCLUSION

Tutors, Academic Mentors, and related staff of the ACSA are hired to teach and to offer proper academic assistance to student-athletes. They are required to act within the guidelines set forth in the ACSA Tutorial Manual and learned during their tutor orientation.

The degree of assistance a tutor may provide a student is subjective and depends upon the circumstances. Generally, however, that degree is determined by three criteria. Academic dishonesty occurs (1) if a tutor guides the student-athlete to use the work of others without acknowledging the source; (2) if a student-athlete submits the work of a tutor for credit as if it were his/her own; and (3) if the student-athlete allows a tutor to participate in the completion of his/her academic work. There is no bright line test as to what constitutes academic dishonesty/fraud; each situation must be judged on its own merit.

In the instant case, LSU has, for a number of years, used various methods to educate and train the staff and employees of the ACSA. All of the interviews of the staff, tutors, academic mentors, and student-athletes reveal that everyone knew the basic rules, and generally knew what they could and could not do with respect to tutorial services. The ACSA was constantly monitored for compliance with all NCAA and University Rules and Regulations. That effort was substantial and credible but, as this report candidly acknowledges, was not all it should have been, and strong corrective measures have been taken to improve, as outlined in Section VIII.

Outside of the instances reported herein, everyone interviewed stated that they had never observed tutors or staff members typing papers for student-athletes. There was no pattern concerning tutors or staff members typing papers, and the reported instances were isolated and most involved extenuating circumstances. None of the individuals interviewed by the University

reported that tutors, or other personnel, were writing complete papers for student-athletes or that there was a pattern or practice of student-athletes receiving impermissible help with their papers. Even in those instances where student-athletes may have received improper assistance, the student-athlete had performed some of the work and was knowledgeable of the subject matter.

All of the reported violations occurred within a one year period and appear to be isolated. The ACSA was responsible for over 500 student-athletes and monitored the work of approximately 100 tutors, Academic Mentors, and Learning Assistants. Even though the University has a zero tolerance policy with respect to NCAA violations, the number of reported and/or uncovered instances of improper tutorial assistance is small compared to the total number of student-athletes and tutors enrolled at the University. This certainly does not mean that the reported violations are to be taken lightly. To the contrary, they are of great concern to the University.

The extremely small number of responses to the Chancellor's E-mail to 4,561 faculty members and staff employees is probative of the fact that there were no wide ranging, systematic, flagrant violations of NCAA or University academic policies and procedures. It is also apparent that incidents of improper tutorial assistance were not characteristic of the overall program.

The University is acutely aware of and fully understands the problems that occurred at the ACSA v . It is apparent that, not only was there

at the ACSA in the desired manner, and apparently there were ; staff and employees of the Center.

The University has completed an exhaustive (and exhausting) investigation into every conceivable allegation, and has attempted to root out every cause of concern related to the ACSA. The University has reviewed all of the procedures and policies of the ACSA and made changes where appropriate.

The University has thoroughly reviewed a large volume of information and determined that some violations of NCAA legislation did occur. Additionally, there were other situations which occurred that did not rise, in the opinion of the University, to the level of NCAA rules violations but which are nevertheless cause of concern to the University.

For example, as a result of the investigation the University became concerned about the relationship between the _____, Dr. Grooters, who recognized the concern early in his tenure with LSU, has already taken steps to insure that the relationship remains at arms length. The University implemented the thirty percent (30%) rule to keep student-athletes from congregating in one particular section of a course. No more than thirty percent (30%) of students enrolled in any given section of a course can be student-athletes.

Other concerns relate to monitoring ACSA activities and the training of tutors to alleviate improper or inappropriate assistance to student-athletes. These situations have been rectified by the hiring and training of additional staff. The tutorial services are now more organized, and more qualified personnel are hired as tutors, Academic Mentors and Learning Assistants. Student-athletes are required to take more responsibility for their education.

Needless to say, t

Additionally, there were limited resources during [redacted] tenure beyond [redacted] control which contributed to some of the problems [redacted] encountered in managing the ACSA. These problems have been rectified and the new Athletic Director and his staff have committed significant dollars to insure compliance with all rules and regulations related to operating the ACSA. Also contributing perhaps to [redacted] difficulties was the fact that the ACSA was temporarily moved to Broussard Hall in May 2001 [redacted] was involved in assisting with the design of the new ACSA and, this additional task may have made it difficult to focus sufficient attention and energy to [redacted] primary responsibilities of running the ACSA.³⁴

In analyzing the findings and non-findings in this matter, the University has carefully reviewed the provisions of NCAA Bylaw 10.1(b) and the Official NCAA Interpretation of Bylaw 10.1(b) dated September 6, 2000. Based upon the University's findings and analysis of the Official Interpretation, the University has concluded that neither [redacted] nor any student-athlete named in a finding violated NCAA Bylaw 10.1(b). The University does admit that two or three student-athletes received improper tutorial assistance, which amounted to

³⁴ The possible reasons as to why the violations may have occurred are not offered as an excuse since there is no acceptable excuse for violating NCAA Bylaws, but only to illustrate how or why they could have occurred and to give the Enforcement Staff a quick snapshot of what was occurring during this one year time period.

receiving an extra benefit but did not constitute violations of the University Code of Student Conduct.

As previously reported, prospective student-athlete _____ was declared ineligible and required to donate Forty Dollars (\$40.00) to the charity of his choice, which _____ has done. The eligibility of prospective student-athlete _____ has been restored.

Student-athletes _____ have been required to donate Twenty-five Dollars (\$25.00) and Fifteen Dollars (\$15.00), respectively, to the charity of their choice because of the extra benefit they received (papers typed by tutors). A copy of the money orders from _____ attached as Exhibit Nos. 136 and 137, respectively.

As previously noted, _____

ACSA, any student-athlete or athletics. _____ is no longer employed by the ACSA. Attached hereto as Exhibit No. 138 is a letter of reprimand issued to

The University took this investigation very seriously. The allegations of wide-spread academic misconduct, including allegations that the _____ isolated or directed others to violate NCAA and University rules and regulations, caused the University to undertake a lengthy and comprehensive review of the matter. Nothing was left to chance. All University personnel were requested to provide any information they had concerning academic misconduct in the ACSA. What the University found, however, was that despite isolated incidents the allegations were largely unfounded.

While the University is greatly troubled by these isolated incidents and is working to insure that they do not happen again, the University believes that such transgressions constitute “secondary” NCAA violations.

The University is convinced that the changes made or being made in the ACSA will insure compliance with all NCAA and University academic rules and regulations.

The University considers its investigation of the ACSA, though painful, to be of great value. It has increased the awareness of everyone associated with the Center to be conscious of the rules, the need to abide by the rules, and the need to more closely manage and control the activities of the Center.

Other corrective actions taken by the University are as follows:

1. No test will be given in the ACSA under any circumstances;
2. No one in the ACSA will be allowed to type a paper for a student-athlete, even if they are paid and “off the clock;”
3. No class will be composed of more than thirty percent (30%) student-athletes;
4. Each Fall, the Dean of Students or his designee will conduct a seminar for student-athletes on plagiarism and other academic dishonesty issues.